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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/872,566

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Jyotirmoy Paul

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05/02/2006

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EXAMINER

NAWAZ, ASAD M

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,566

Applicant(s)

PAUL ET AL.

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/26/05, 6/17/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the election received 2/21/06. Group I was selected with traverse. Therefore claims 3-5 and 27-29 are pending.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 9/26/05 and 6/17/05 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement are being considered by the examiner.

Election/Restrictions

3. The applicant contends that a restriction requirement should be made prior to final rejection and that this restriction requirement is highly irregular. In response to applicant's contentions, the examiner affirms that a restriction requirement can be made prior to a final office action. In this case, the pre-appeal conference yielded a reopening of prosecution. Thus the finality of the prior office action has been withdrawn.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 27-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claims 27-29 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and

tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The applicant(s) claim "a computer program" but does not define within the body of the claim the hardware in which the invention runs. Thus, absent recitation of the server or some other hardware, claim 27-29 are not limited to a tangible embodiment, instead being sufficiently broad to encompass software, per se.

The examiner encourages applicant to define within the claims the embodied features and limitations on a "tangible" computer readable medium such as hard drives, disks, and other hardware elements. An example of a proper format would be "a machine readable code" or "program code" ... "stored on a tangible computer readable medium".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 3-5 and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao (US Patent No. 6,185,208).

As to claim 3, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server (fig 6A, 610) executing on a platform connected to the network (fig6A, 606), the information including device profile information (Fig 6A, 610) about the mobile device (fig 6, 616), wherein the device profile

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information includes a buffer size describing a number of characters the mobile device can receive on input without loss of input data (col 4, lines 50-65 and col 5, lines 1-15; the profile information stores numerous information about the client device including the type of network the device is capable of transmitting information in. Such information is used to determine the amount of characters the device buffer can receive. For example, SMS can take 140 bytes of data);

receiving, from an application, first data describing a plurality of graphical elements for display on the mobile device (Fig 2, col 5, lines 17-55 and 66-67; the message is sent with the graphical elements being the characters to be displayed)

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device and sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

As to claim 4, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server (fig 6A, 610) executing on a platform connected to the network (fig 6A, 606), the information including device profile information (Fig 6A, 610) about the mobile device (fig 6, 616);

receiving, from an application, first data describing a plurality of graphical elements for display on the mobile device wherein the first data indicates that a particular graphical element of the plurality of graphical elements is current (Fig 2, col 5, lines 17-55 and 66-67; col 8, lines 45-53; the message is sent with the graphical elements being the characters to be displayed. Furthermore, message the decision block is awaiting is new and thus the characters current);

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device wherein the subset includes the particular graphical element and sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

As to claim 5, Liao teaches a method of interacting with a client process on a mobile device connected to a network over a wireless link, the method comprising the steps of:

managing information at a mobile applications server executing on a platform connected to the network, the information including device profile information about the mobile device and the step of managing the information at the mobile applications sever further comprising; requesting the device profile information from the mobile device; receiving the profile information from the mobile device; and storing the device profile information (col 4, lines 50-65 and col 5, lines 1-15; the profile information stores numerous information about the client device including he type of network the device is capable of transmitting information in. Such information is used to determine the amount of characters the device buffer can receive. For example, SMS can take 140 bytes of data);

receiving, from an application, first data describing a plurality of graphical elements fro display on the mobile device (Fig 2, col 5, lines 17-55 and 66-67; the message is sent with the graphical elements being the characters to be displayed);

determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device (col 5, lines 20-25 and col 6, lines 3-10; the a decision block determines the size of the message and compares it to a predetermined maximum size which is based off of the device profile);

and if it is determined that the first data exceeds the capacity, then forming a subset of the first data that does not exceed the capacity of the mobile device and sending the subset of the first data to the client process (col 6, lines 23-47; after fragmentation, an initial fragment is sent to the mobile device).

Claim 27 is essentially the computer-readable medium of the method recited in above-rejected claim 3 and is thus rejected under similar rationale.

Claim 28 is essentially the computer-readable medium of the method recited in above-rejected claim 4 and is thus rejected under similar rationale.

Claim 29 is essentially the computer-readable medium of the method recited in above-rejected claim 5 and is thus rejected under similar rationale.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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PRIMARY EXAMINER